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EXAMINER

ABRISHAMKAR, KAVEH

ART UNIT PAPER NUMBER

2131

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/771,902

Applicant(s)

EDWARDS ET AL.

Examiner

Kaveh Abrishamkar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8 and 10-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 10-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Amendment***

1. This action is in response to the amendment August 19, 2005. Claims 1-4, 6, 8, 10-16, 18-19, 21, and 28 are currently amended, a claim 29 and 30 are newly added, and claims 7 and 9 are cancelled. Claims 1-6, 8, and 10-30 are currently being considered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-6, 8, and 10-30 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. The term "sufficient" in claim 17-18, 29-30 is a relative term which renders the claim indefinite. The term "sufficient" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5 and 21-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Baron (U.S. Patent 6,459,388).

Regarding claim 1, Baron discloses:

A method comprising:

maintaining a user profile describing the photographic interests of a user (column 7 lines 54-67), wherein a database contains pictures of the sites previously captured by the user;

determining a geographic location of a device (column 5 lines 48-57), wherein GPS is used to determine the location of the device;

transmitting the plurality of photo opportunity suggestions to the device (column 7 lines 53-67), wherein a plurality of sites are displayed to a user and the user is free to visit any of the sites that the user desires;

receiving a user selection from the device chosen from the plurality of suggestions (column 7 lines 65-67), wherein the user keys in a desire to visit the site; and

transmitting additional information to the user regarding the selected photo opportunity to the device (column 7 lines 65-67), wherein if the user selects the site, navigational information is provided to the user.

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Baron discloses:

The method according to claim 1 wherein the user profile is maintained based on photographs captured by the user (column 7 lines 60-65), wherein the database used to determine which sites to visit includes pictures captured by the user.

Claim 4 is rejected as applied above in rejecting claim 3. Furthermore, Baron discloses:

The method according to claim 3 wherein the device is an image sensing device or a camera device (column 3 lines 66-67), wherein the optical device is preferably a camera.

Claim 5 is rejected as applied above in rejecting claim 1. Furthermore, Baron discloses:

The method according to claim 1 further comprising selecting the at least one suggestion from a plurality of suggestions within a photo opportunity database wherein each suggestion includes a content type and a geographic location (column 7 line 53 – column 8 line 6), wherein the suggestion can be accompanied by a map.

Regarding claim 21, Baron discloses:

A system for suggesting local photo opportunities, comprising:

an interface module configured for receiving a geographical location of a camera device (column 5 lines 48-57), wherein GPS is used to determine the location of the device;

a storage module configured for storing a user profile wherein the user profile includes at least one content type user (column 7 lines 54-67), wherein a database contains pictures of the sites previously captured by the user; and

a review module configured for providing at least one suggestion based on the content type and the geographical location of the camera device (paragraph 20, paragraph 65) (column 7 lines 53-67), wherein a plurality of sites are displayed to a user and the user is free to visit any of the sites that the use desires;

wherein said review module creates a user profile based on prior photographs captured by the user through said camera device (column 7 lines 53-67), wherein the previous photographs are used to determine if the user wants to visit the site.

Claim 22 is rejected as applied above in rejecting claim 21. Furthermore, Baron discloses:

The system according to claim 21 wherein the interface module is configured for receiving a selection from the camera device wherein the selection is from at least one suggestion (column 7 lines 65-67), wherein the user keys in a desire to visit the site.

Claim 23 is rejected as applied above in rejecting claim 22. Furthermore, Baron discloses:

The system according to claim 22 wherein the interface module is configured to transmit a detailed description to the camera device wherein the detailed description corresponds to the selection (column 7 line 53 – column 8 line 6), wherein the suggestion can be accompanied by a map.

Claim 24 is rejected as applied above in rejecting claim 23. Furthermore, Baron discloses:

The system according to claim 23 wherein the detailed description includes a sample image of the selection (column 7 line 53 – column 8 line 6), wherein the suggestion can be accompanied by a map and a preview image of the site.

Claim 25 is rejected as applied above in rejecting claim 23. Furthermore, Baron discloses:

The system according to claim 23 wherein the detailed description includes a description of the selection (column 6 lines 60-65), wherein the selections are accompanied by historical, cultural and/or operational information.

Claim 26 is rejected as applied above in rejecting claim 23. Furthermore, Baron discloses:

The system according to claim 23 wherein the detailed description includes directions to the selection based on the geographic location of the camera device (column 7 line 53 – column 8 line 6), wherein the suggestion can be accompanied by a map and navigational information.

Claim 27 is rejected as applied above in rejecting claim 22. Furthermore, Baron discloses:

The system according to claim 22 wherein the storage module is configured to store a photo opportunity database that includes a plurality of photo opportunity listings wherein each listing is associated with a geographic area and a content type (column 6 lines 19 – 37).

Regarding claim 28, Baron discloses:

A computer-readable medium having computer executable instructions for performing a method of suggesting photo opportunities within a local area comprising:

sensing a user profile describing the photographic interests of a user (column 7 lines 54-67), wherein a database contains pictures of the sites previously captured by the user;

determining a geographic location of a device (column 5 lines 48-57), wherein GPS is used to determine the location of the device;

identifying a plurality of suggestions from a photo opportunity database based on the geographic location of the device and the photographic interests within said user



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profile wherein each suggestion indicates a unique photo opportunity (column 7 lines 53-67), wherein a plurality of sites are displayed to a user and the user is free to visit any of the sites that the use desires;

transmitting the plurality of photo opportunity suggestions to the device (column 7 lines 53-67), wherein a plurality of sites are displayed to a user and the user is free to visit any of the sites that the use desires;

receiving a user selection from the device chosen from the plurality of suggestions (column 7 lines 65-67), wherein the user keys in a desire to visit the site; and

transmitting additional information to the user regarding the selected photo opportunity corresponding to the selection to the device (column 7 lines 65-67), wherein if the user selects the site, navigational information is provided to the user.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 3, 6, 8, 10-16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baron (U.S. Patent 6,459,388) in view of Wall et al. (U.S. Patent 6,731,239).

Claim 3 is rejected as applied above in rejecting claim 1. Baron does not explicitly disclose dynamically widening or narrowing an area around the geographic location of the device to either increase or decrease the number of suggestions received. Wall discloses adjusting (increasing or decreasing) the given distance around position coordinates (column 4 lines 61-65). Baron and Wall are analogous arts in that both supply GPS-enabled users information about nearby geographic sites. Wall discloses limiting or increasing the amount of information, depending on the number of sites within a given radius. Furthermore, Wall states that limiting the amount of information is desirable in order to control the amount of information processed by the user device (column 4 lines 45-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to dynamically adjust the radius, as in Wall, in order to regulate the amount of information processed by the user device.

Claim 6 is rejected as applied above in rejecting claim 5. Baron does not explicitly disclose dynamically widening or narrowing an area around the geographic location of the device to either increase or decrease the number of suggestions received, or by relaxing or tightening a requirement of the content type matching the user profile. Wall discloses adjusting (increasing or decreasing) the given distance around position

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coordinates (column 4 lines 61-65). Baron and Wall are analogous arts in that both supply GPS-enabled users information about nearby geographic sites. Wall discloses limiting or increasing the amount of information, depending on the number of sites within a given radius. Furthermore, Wall states that limiting the amount of information is desirable in order to control the amount of information processed by the user device (column 4 lines 45-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to dynamically adjust the radius, as in Wall, in order to regulate the amount of information processed by the user device.

Claim 8 is rejected as applied above in rejecting claim 5. Baron does not explicitly disclose dynamically widening or narrowing an area around the geographic location of the device to either increase or decrease the number of suggestions received, or by relaxing or tightening a requirement of the content type matching the user profile. Wall discloses adjusting (increasing or decreasing) the given distance around position coordinates (column 4 lines 61-65). Baron and Wall are analogous arts in that both supply GPS-enabled users information about nearby geographic sites. Wall discloses limiting or increasing the amount of information, depending on the number of sites within a given radius. Furthermore, Wall states that limiting the amount of information is desirable in order to control the amount of information processed by the user device (column 4 lines 45-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to dynamically adjust the radius, as in Wall, in order to regulate the amount of information processed by the user device.

Regarding claim 10, Baron discloses:

A system of identifying photographic opportunities comprising:  
means for sensing a user profile (column 7 lines 54-67), wherein a database contains pictures of the sites previously captured by the user;  
means for determining a geographic location of a device (column 5 lines 48-57), wherein GPS is used to determine the location of the device;  
means for transmitting a desired number of suggestions, incorporating at least suggestion, to the device based on the geographic location of the device and the user profile wherein the suggestion indicates a photo opportunity (column 7 lines 65-67), wherein if the user selects the site, navigational information is provided to the user.

Baron does not explicitly disclose dynamically widening or narrowing an area around the geographic location of the device to either increase or decrease the number of suggestions received. Wall discloses adjusting (increasing or decreasing) the given distance around position coordinates (column 4 lines 61-65). Baron and Wall are analogous arts in that both supply GPS-enabled users information about nearby geographic sites. Wall discloses limiting or increasing the amount of information, depending on the number of sites within a given radius. Furthermore, Wall states that limiting the amount of information is desirable in order to control the amount of information processed by the user device (column 4 lines 45-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to

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dynamically adjust the radius, as in Wall, in order to regulate the amount of information processed by the user device.

Regarding claim 11, Baron discloses:

sensing a user profile containing user content type selections (column 7 lines 54-67), wherein a database contains pictures of the sites previously captured by the user;

determining a geographic location of a device (column 5 lines 48-57), wherein GPS is used to determine the location of the device;

identifying a plurality of suggestions from a photo opportunity database based on the geographic location of the device and the user profile wherein each suggestion indicates a unique photo opportunity (column 7 lines 53-67), wherein a plurality of sites are displayed to a user and the user is free to visit any of the sites that the use desires;

transmitting the listing of suggestions to the device (column 7 lines 53-67), wherein a plurality of sites are displayed to a user and the user is free to visit any of the sites that the use desires;

receiving a selection from the device wherein the selection is chosen from the listing of suggestions (column 7 lines 65-67), wherein the user keys in a desire to visit the site; and

transmitting detailed information corresponding to the selection to the device (column 7 lines 65-67), wherein if the user selects the site, navigational information is provided to the user.

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Baron does not explicitly disclose dynamically widening or narrowing an area around the geographic location of the device to either increase or decrease the number of suggestions received. Wall discloses adjusting (increasing or decreasing) the given distance around position coordinates (column 4 lines 61-65). Baron and Wall are analogous arts in that both supply GPS-enabled users information about nearby geographic sites. Wall discloses limiting or increasing the amount of information, depending on the number of sites within a given radius. Furthermore, Wall states that limiting the amount of information is desirable in order to control the amount of information processed by the user device (column 4 lines 45-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to dynamically adjust the radius, as in Wall, in order to regulate the amount of information processed by the user device.

Claim 12 is rejected as applied above in rejecting claim 11. Furthermore, Baron discloses:

The method according to claim 11 wherein the device is a camera device (column 3 lines 66-67), wherein the optical device is preferably a camera.

Claim 13 is rejected as applied above in rejecting claim 11. Furthermore, Baron discloses:

The method according to claim 11 wherein the detailed information includes a sample image of the selection (column 7 lines 53-65), wherein the user can preview photographs of the site.

Claim 14 is rejected as applied above in rejecting claim 11. Furthermore, Baron discloses:

The method according to claim 11 wherein the detailed information includes directions to the selection based on the geographic location of the camera device (column 7 lines 65-67), wherein if the user selects a site, navigation information is provided.

Claim 15 is rejected as applied above in rejecting claim 11. Furthermore, Baron discloses:

The method according to claim 11 wherein the detailed information includes a description of the selection (column 6 lines 60-65), wherein the selections are accompanied by historical, cultural and/or operational information.

Claim 16 is rejected as applied above in rejecting claim 11. Furthermore, Baron discloses:

The method according to claim 11 further comprising detecting an image captured by the camera device (column 8 lines 20-28).

Claim 19 is rejected as applied above in rejecting claim 16. Furthermore, Baron discloses:

The method according to claim 16 further comprising updating the user profile based on the captured image (column 8 lines 20-33), wherein the captured image is placed into a remote database for future use by the user.

Claim 20 is rejected as applied above in rejecting claim 16. Furthermore, Baron discloses:

The method according to claim 16 further comprising detecting a content type of the captured image (column 8 lines 20-28), wherein the imaging data and location information can be used to determine the content type.

10. Claims 17-18, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baron (U.S. Patent 6,459,388) in view of Hunter et al. (U.S. Publication No. 2003/0020816).

Claim 17 is rejected as applied above in rejecting claim 16. Baron does not explicitly comparing the captured image with a stored sample image by executing image recognition and comparison algorithms to determine a sufficient level of match between the captured image and the sample image to associate information from the sample image to the captured image. Hunter teaches comparing a captured image with a



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sample image using image recognition software and if the images match, adding content from the sample to the captured image (paragraphs 37-39, 44). Baron and Hunter are analogous arts because both use GPS-enabled cameras to capture sites which already have a sample stored in a database. Hunter adds textual information to the picture after a match is made in order to provide the user with "location and time at which photographs were taken and/or any stories, historical information" that was associated with the sample image (paragraph 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to add the descriptive text from the sample image to the capture image, in order to provide the user with historical information associated with the captured site.

Claim 18 is rejected as applied above in rejecting claim 17. Baron does not explicitly comparing the captured image with a stored sample image by executing image recognition and comparison algorithms to determine a sufficient level of match between the captured image and the sample image to associate information from the sample image to the captured image. Hunter teaches comparing a captured image with a sample image using image recognition software and if the images match, adding content from the sample to the captured image (paragraphs 37-39, 44). Baron and Hunter are analogous arts because both use GPS-enabled cameras to capture sites which already have a sample stored in a database. Hunter adds textual information to the picture after a match is made in order to provide the user with "location and time at which photographs were taken and/or any stories, historical information" that was

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associated with the sample image (paragraph 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to add the descriptive text from the sample image to the capture image, in order to provide the user with historical information associated with the captured site.

Claim 29 is rejected as applied above in rejecting claim 1. Baron does not explicitly comparing the captured image with a stored sample image by executing image recognition and comparison algorithms to determine a sufficient level of match between the captured image and the sample image to associate information from the sample image to the captured image. Hunter teaches comparing a captured image with a sample image using image recognition software and if the images match, adding content from the sample to the captured image (paragraphs 37-39, 44). Baron and Hunter are analogous arts because both use GPS-enabled cameras to capture sites which already have a sample stored in a database. Hunter adds textual information to the picture after a match is made in order to provide the user with "location and time at which photographs were taken and/or any stories, historical information" that was associated with the sample image (paragraph 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to add the descriptive text from the sample image to the capture image, in order to provide the user with historical information associated with the captured site.

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Claim 30 is rejected as applied above in rejecting claim 29. Baron does not explicitly comparing the captured image with a stored sample image by executing image recognition and comparison algorithms to determine a sufficient level of match between the captured image and the sample image to associate information from the sample image to the captured image. Hunter teaches comparing a captured image with a sample image using image recognition software and if the images match, adding content from the sample to the captured image (paragraphs 37-39, 44). Baron and Hunter are analogous arts because both use GPS-enabled cameras to capture sites which already have a sample stored in a database. Hunter adds textual information to the picture after a match is made in order to provide the user with "location and time at which photographs were taken and/or any stories, historical information" that was associated with the sample image (paragraph 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to add the descriptive text from the sample image to the capture image, in order to provide the user with historical information associated with the captured site.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA  
10/26/2005

  
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